

Serial No. 10/685,971

REMARKS

Applicants reply to the Advisory Action mailed January 18, 2006, with the appropriate extension fee, and request the Examiner to enter the amendments and consider these remarks prior to examining this application after RCE. Claims 1 and 3-8 remain pending in the application and all pending claims stand rejected. Applicants have amended independent claim 1 to clarify that the dual-action movement of the food holder is relative to the fixed blade. No new matter is added by this amendment, which is fully supported in the originally filed patent application. Applicants respectfully request reconsideration of pending claims 1 and 3-8 (7 total claims, 1 independent) in light of the following remarks.

A. Claim Rejections – 35 U.S.C. § 103

Claims 1, 3 and 5-8 stand rejected as obvious over U.S. Patent No. 3,583,454, issued to Börner ("Börner") in view of U.S. Patent No. 6,253,756, issued to Petit ("Petit"). Claim 4 stands rejected as being unpatentable over Börner in view of Pete and further in view of U.S. Patent No. 5,765,472, issued to Petit. Applicants respectfully traverse these rejections.

Börner merely discloses "a pair of parallel rails on which a removable food-holder can be guided for reciprocation." (See Abstract). In contrast, amended claim 1 recites a "food holder configured to be simultaneously slidable along said at least one of said longitudinal edges and rotatable relative to said blade during use." Thus, Börner does not teach or suggest a rotatable food holder, let alone one that is simultaneously rotatable and slidable relative to the fixed blade during use.

Furthermore, the Petit reference is wholly inapplicable where any sliding or rotation of the drilling fixture relative to the guide bars occurs not during use, but solely to "mov[e] the device from an inactive to an active position" as stated by the Examiner. In fact, Petit teaches

Serial No. 10/685,971

away from the present invention since it expressly requires that the drilling fixture "block 15 is rigidly joined to the bar" prior to, and thus, during use. (Petit, Col. 3, lines 34-36). As discussed during the interview and as set forth in the previous response "the food holder may be opened to hold food prior to, after, and during sliding." As clarified and recited in amended claim 1, the food holder is "configured to be simultaneously slidable along said at least one of said longitudinal edges and rotatable relative to said blade during use."

Accordingly, neither the Börner nor Petit reference, separately or in combination, teach or suggest each and every element of independent claim 1. Furthermore, whereas claims 3-4 and 5-8 depend from claim 1, these claims are likewise allowable for the same reasons, in addition to their own respective features. Applicants therefore respectfully request that the Section 103 rejection be withdrawn with respect to the claims as amended.

Serial No. 10/685,971

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all of the currently pending claims properly set forth that which Applicants regard as their invention and that these claims are allowable over the cited prior art.

Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6544 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and request that any fees due be charged to Deposit Account No. 19-2814, for which purpose a duplicate copy of this sheet is attached. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

Dated:

2-21-06

By:

Kirk Dorius

Kirk Dorius, Reg. No. 54,073

Snell & Wilmer L.L.P.
One Arizona Center
400 E. Van Buren
Phoenix, Arizona 85004-2202
Phone: (602) 382-6544
Fax: (602) 382-6070

1795639

7

BEST AVAILABLE COPY